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EXAMINER

CHUO, TONY SHENG HSIANG

ART UNIT

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1795

NOTIFICATION DATE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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***Response to Amendment/Arguments***

1. Claim 1 has been amended to incorporate the recitations from claims 6 and 14. The amendment changes the scope of the claims that depend on claim 1. Therefore, the amendment raises new issues that would require further search and/or consideration.

In addition, the applicant argues that the particle size and roundness of the particles as defined in amended claim 1 are not disclosed or suggested from the disclosure of Yamada.

In response, the examiner maintains the contention that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Yamada negative electrode material to include carbonaceous particles that have an average particle size of 10 to 40  $\mu\text{m}$  and an average roundness of 0.85 to 0.99 because changes in size were held to be obvious (*In re Rose* 105 USPQ 237 (CCPA 1955)). In addition, the applicant has not provided any evidence of criticality of the claimed range of the average particle size and average roundness of the carbonaceous particles.

TC

/Jonathan Crepeau/  
Primary Examiner, Art Unit 1795